

12m-5001-JGD

AFFIDAVIT OF JUNE FOLEY

I, June Foley, being duly sworn, hereby depose and state as follows:

1. I am a Postal Inspector with the United States Postal Inspection Service and have been so employed for 17 years. My investigative experience includes, but is not limited to, financial auditing, internal and external mail theft investigations, and financial crimes investigations. Since January 2004, I have been assigned to the Boston field office as a member of the Massachusetts Financial Crimes Task Force to investigate various types of financial crimes, including check, debit card, and credit card fraud, bank fraud and identity theft. I regularly attend fraud investigator working group meetings, and I receive training on fraud investigations through the International Association of Financial Crimes Investigators and the National White Collar Crime Center. I have made numerous arrests and executed search warrants in the field of financial crimes, and I am a member of the New England Fraud Investigators Alliance Board of Directors.

2. I am aware that Title 18 of the United States Code, Section 1343, makes it a crime for anyone who has devised or intended to devise a scheme or artifice to defraud, or obtained money or property by means of false or fraudulent pretenses, representations, or promises to transmit or cause to transmit by means of wire, radio, or television communications in interstate commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice. Having so said, I make this affidavit in support of a criminal complaint charging Jean Exume ("EXUME") with wire fraud in violation of Title 18, United States Code, Sections 1343 and 2.

3. The facts stated herein are based on my own personal involvement with this investigation, as well as my review of documents and information provided by others assisting in

this investigation and by witnesses. In submitting this affidavit, I have not included each and every fact known to me about this investigation. Rather, I have only submitted those facts which I believe are sufficient to establish probable cause.

BACKGROUND

4. The United States Postal Service (the “USPS”) is an independent establishment of the executive branch of the government of the United States and is operated to provide postal services and products to patrons throughout the United States.

5. Postal money orders are orders for money purchased from the USPS, which provide ready money upon cashing the instrument. Whenever an individual uses a debit card to purchase a postal money order, there is an electronic transmission of information from the point of purchase to the USPS server in Raleigh, North Carolina.

6. Bank of America (“BoA”) is a federally insured financial institution. BoA customers can receive debit cards through which they can make retail purchases as well as withdraw money from Automated Teller Machines (“ATMs”). BoA account-holders can request a replacement for lost or stolen debit cards from BoA; BoA routinely mails such replacement debit cards to the account-holder’s address on file.

7. In approximately May 2009, I began investigating allegedly fraudulent activity reported by BoA. Specifically, a BoA investigator reported that several BoA customers had submitted claims alleging that fraud had occurred on BoA accounts associated with their BoA debit cards. Subsequent investigation revealed a general pattern of activity with regard to this reported fraud: requests for replacement debit cards were placed with BoA, unbeknownst to the cards’ account-holders; the replacement cards were subsequently intercepted after they had been

mailed out and used to purchase postal money orders in various Boston-area post offices, as well as to make ATM withdrawals around the Boston area.

8. In the time period from approximately May 2009 through July 2011, at least 520 postal money orders, at a value of at least approximately \$479,788 were purchased as part of this pattern of activity. The instances described below are ones in which **EXUME** was either captured on surveillance video and photographs entering into the transaction described, or in which one of several counterfeit driver's licenses, bearing **EXUME**'s photograph but various BoA account-holders' names, was used. In most instances, I have identified **EXUME** as the perpetrator based on photographic evidence (surveillance photographs or video of either the fraudulent transaction itself or of another fraudulent transaction on the same day using the same debit card) or the use of a counterfeit driver's license with **EXUME**'s picture. Where there was no direct photographic evidence, (i.e., where USPS records reflect only a driver's license number used in the transaction, but no copy of the license itself (and the photograph on it)), I have identified **EXUME** as the perpetrator where the driver's license number provided matched the number on a driver's license that was either photocopied on a separate occasion or was later found on **EXUME**'s person, and which had **EXUME**'s picture. In one instance, I have also identified **EXUME** as the perpetrator due to the fact that USPS employees recorded the number on the license plates of the car used by the perpetrator, and a Massachusetts Registry of Motor Vehicles check showed that the car was registered to **EXUME**.

SCHEME TO DEFRAUD

9. From in or about December 2009 and continuing through in or about July 2011, **EXUME** fraudulently obtained money and property by using bank cards belonging to third

parties to purchase postal money orders and make ATM withdrawals. **EXUME** frequently used means of identification belonging to third parties in order to further his scheme.

MANNER AND MEANS OF THE FRAUD

10. It was part of the fraudulent scheme that **EXUME**, or a confederate, repeatedly contacted BoA, each time purporting to be a real BoA account-holder and requesting a replacement debit card. **EXUME** or a confederate then intercepted the replacement debit cards after they had been mailed out to the account-holder.

11. After replacement debit cards had been intercepted, **EXUME** repeatedly went to Post Offices in Massachusetts and used the debit cards to purchase postal money orders. On numerous occasions, **EXUME** subsequently cashed the postal money orders himself. In addition, **EXUME** routinely used the replacement debit cards to withdraw money from BoA account-holders' accounts through ATM machines. **EXUME** executed his scheme with respect to the account-holders listed below:

ACCOUNT-HOLDER S.J.

12. S.J. is an 89-year old resident of Hyde Park, Massachusetts, who has a BoA bank account with a number ending in *3057.

13. On or about January 7, 2010, BoA received a request for a replacement debit card associated with account number *3057. S.J. did not request this replacement debit card. On or about January 7, 2010, the replacement card was issued by BoA and mailed to S.J.'s address in Hyde Park, Massachusetts (the "S.J. Replacement Card"). The S.J. Replacement Card bore a card number ending in *6235.

14. On January 25, 2010, **EXUME** utilized the S.J. Replacement Card in order to purchase nine postal money orders worth \$1,000 each and one postal money order worth \$600 at a Post Office in Cambridge, Massachusetts. This purchase resulted in an electronic transmission from Cambridge, Massachusetts to the USPS servers in Raleigh, North Carolina.

15. In order to complete this transaction, **EXUME** used a driver's license purporting to have been issued by the state of Florida. The driver's license bore S.J.'s name and **EXUME**'s picture.

16. On January 27, 2010, **EXUME** utilized the S.J. Replacement Card in order to purchase nine postal money orders worth \$1,000 each and one postal money order worth \$600 at a Post Office in Readville, Massachusetts. This purchase resulted in an electronic transmission from Readville, Massachusetts to the USPS servers in Raleigh, North Carolina.

17. In order to complete this transaction, **EXUME** again used a driver's license purporting to have been issued by the state of Florida. The driver's license bore S.J.'s name and **EXUME**'s picture.

18. On January 29, 2010, **EXUME** utilized the S.J. Replacement Card in order to purchase nine postal money orders worth \$1,000 each and one postal money order worth \$600 at a Post Office in the area of Dorchester, Massachusetts. This purchase resulted in an electronic transmission from Massachusetts to the USPS servers in Raleigh, North Carolina.

19. In order to complete this transaction, **EXUME** again used a driver's license purporting to have been issued by the state of Florida. The driver's license bore S.J.'s name and **EXUME**'s picture.

20. On February 1, 2010, **EXUME** utilized the S.J. Replacement Card in order to purchase nine postal money orders worth \$1,000 each and one postal money order worth \$600 at a Post Office in Cambridge, Massachusetts. This purchase resulted in an electronic transmission from Cambridge, Massachusetts to the USPS servers in Raleigh, North Carolina.

21. In order to complete this transaction, **EXUME** again used a driver's license purporting to have been issued by the state of Florida. The driver's license bore S.J.'s name and **EXUME**'s picture.

22. On February 3, 2010, **EXUME** utilized the S.J. Replacement Card in order to purchase six postal money orders worth \$1,000 each at a Post Office in North Quincy, Massachusetts. This purchase resulted in an electronic transmission from North Quincy, Massachusetts to the USPS servers in Raleigh, North Carolina.

23. In order to complete this transaction, **EXUME** again used a driver's license purporting to have been issued by the state of Florida. The driver's license bore S.J.'s name and **EXUME**'s picture.

ACCOUNT-HOLDER S.R.

24. S.R. is a 46-year old resident of Jamaica Plain, Massachusetts, who has a BoA bank account with a number ending in *7774.

25. On or about January 27, 2010, BoA received a request for a replacement debit card associated with account number *7774. S.R. did not request this replacement debit card. On or about January 27, 2010, the replacement card was issued by BoA and mailed to S.R.'s address in Jamaica Plain, Massachusetts (the "S.R. Replacement Card"). The S.R. Replacement Card bore a card number ending in *0652.

26. On February 10, 2010, **EXUME** utilized the S.R. Replacement Card in order to purchase nine postal money orders worth \$1,000 each and one postal money order worth \$600 at a Post Office in North Quincy, Massachusetts. This purchase resulted in an electronic transmission from North Quincy, Massachusetts to the USPS servers in Raleigh, North Carolina.

27. In order to complete this transaction, **EXUME** used a driver's license purporting to have been issued by the state of Florida. The driver's license bore S.R.'s name and **EXUME**'s picture.

ACCOUNT-HOLDER F.P.

28. F.P. is a 67-year old resident of Roslindale, Massachusetts, who has a BoA bank account with a number ending in *7858.

29. On or about February 16, 2011, BoA received a request for a replacement debit card associated with account number *7858. F.P. did not request this replacement debit card. On or about February 16, 2011, the replacement card was issued by BoA and mailed to F.P.'s address in Roslindale, Massachusetts (the "F.P. Replacement Card"). The F.P. Replacement Card bore a card number ending in *6452.

30. On February 23, 2011, **EXUME** utilized the F.P. Replacement Card in order to make two cash withdrawals, of \$800 and \$700 respectively, from a BoA A.T.M. in Dorchester, Massachusetts.

31. On February 23, 2011, **EXUME** utilized the F.P. Replacement Card in order to purchase nine postal money orders worth \$1,000 each and one postal money order worth \$440 at a Post Office in the area of Dorchester, Massachusetts. This purchase resulted in an electronic transmission from Massachusetts to the USPS servers in Raleigh, North Carolina.

32. On February 23, 2011, **EXUME** utilized the F.P. Replacement Card in order to purchase nine postal money orders worth \$1,000 each at a Post Office in Dorchester, Massachusetts. This purchase resulted in an electronic transmission from Dorchester, Massachusetts to the USPS servers in Raleigh, North Carolina.

33. On February 23, 2011, **EXUME** utilized the F.P. Replacement Card in order to purchase nine postal money orders worth \$1,000 each and one postal money order worth \$420 at a Post Office in Boston, Massachusetts. This purchase resulted in an electronic transmission from Dorchester, Massachusetts to the USPS servers in Raleigh, North Carolina.

ACCOUNT-HOLDER J.Y.

34. J.Y. is a 90-year old resident of Roslindale, Massachusetts, who has a BoA bank account with a number ending in *4010.

35. On or about February 3, 2010, BoA received a request for a replacement debit card associated with account number *4010. J.Y. did not request this debit card. On or about February 3, 2010 a debit card was issued by BoA and mailed to J.Y.'s address in Roslindale, Massachusetts (the "J.Y. Debit Card"). The J.Y. Debit Card bore a card number ending in *3256.

36. On February 12, 2010, **EXUME** utilized the J.Y. Debit Card in order to purchase two postal money orders worth \$1,000 each and one postal money order worth \$900 at a Post Office in Milton, Massachusetts. This purchase resulted in an electronic transmission from Milton, Massachusetts to the USPS servers in Raleigh, North Carolina. **EXUME** later cashed these three money orders by posing as S.R. and using the driver's license bearing S.R.'s name described above.

ACCOUNT-HOLDER E.R.

37. E.R. is a 55-year old resident of Roslindale, Massachusetts, who has BoA bank accounts with numbers ending in *2410 and *0276, respectively.

38. On or about September 9, 2010, BoA received a request for a replacement debit card associated with account number *2410 and *0276. E.R. did not request this debit card. On or about September 9, 2010, the replacement debit card was issued by BoA and mailed to E.R.'s address in Roslindale, Massachusetts (the "E.R. Replacement Card"). The E.R. Replacement Card bore a card number ending in *0692.

39. On September 16, 2010, **EXUME** utilized the E.R. Replacement Card in order to purchase two postal money orders worth \$1,000 each and one postal money order worth \$900 at a Post Office in Boston, Massachusetts. This purchase resulted in an electronic transmission from Boston, Massachusetts to the USPS servers in Raleigh, North Carolina. **EXUME** later cashed one of these money orders by posing as S.R. and using the driver's license bearing S.R.'s name described above.

40. On September 16, 2010, **EXUME** utilized the E.R. Replacement Card in order to purchase two postal money orders worth \$1,000 each and one postal money order worth \$900 at a different Post Office in Boston, Massachusetts. This purchase resulted in an electronic transmission from Boston, Massachusetts to the USPS servers in Raleigh, North Carolina. **EXUME** later cashed two of these money orders by posing as S.R. and using the driver's license bearing S.R.'s name described above.

41. On September 16, 2010, **EXUME** utilized the E.R. Replacement Card in order to purchase two postal money orders worth \$1,000 each and one postal money order worth \$900 at

a Post Office in Boston, Massachusetts. This purchase resulted in an electronic transmission from Boston, Massachusetts to the USPS servers in Raleigh, North Carolina. **EXUME** later cashed one of these money orders by posing as S.R. and using the driver's license bearing S.R.'s name described above.

42. On or about September 16, 2010, **EXUME** utilized the E.R. Replacement Card in order to make three cash withdrawals of \$800 each from a BoA A.T.M. in Dorchester, Massachusetts.

43. On September 17, 2010, **EXUME** utilized the E.R. Replacement Card in order to purchase two postal money orders worth \$1,000 each and one postal money order worth \$900 at a Post Office in Dorchester, Massachusetts. This purchase resulted in an electronic transmission from Dorchester, Massachusetts to the USPS servers in Raleigh, North Carolina.

44. On September 17, 2010, **EXUME** utilized the E.R. Replacement Card in order to purchase two postal money orders worth \$1,000 each and one postal money order worth \$900 at a different Post Office in Dorchester, Massachusetts. This purchase resulted in an electronic transmission from Dorchester, Massachusetts to the USPS servers in Raleigh, North Carolina.

45. On September 17, 2010, **EXUME** utilized the E.R. Replacement Card in order to purchase two postal money orders worth \$1,000 each and one postal money order worth \$900 at a Post Office in Mattapan, Massachusetts. This purchase resulted in an electronic transmission from Mattapan, Massachusetts to the USPS servers in Raleigh, North Carolina. **EXUME** later cashed two of these money orders by posing as S.R. and using the driver's license bearing S.R.'s name described above.

ACCOUNT-HOLDER ETH

46. ETH is a limited liability company based in Fort Myers, Florida. ETH has a BoA corporate bank account with a number ending in *7481; the authorized signatories on that account are E.G. and D.G. ETH has another BoA corporate bank account with a number ending in *7478; the authorized signatories on that account are E.G. and D.G.

47. On or about March 9, 2011 and March 17, 2011, BoA received a request for debit cards associated with corporate account number *7478. On or about March 17, 2011, BoA received a request for debit cards associated with corporate account number *7481. E.G. and D.G. did not request these debit cards. On or about March 9, 2011, a debit card bearing a card number of *5016 was issued by BoA and mailed to ETH's address in Fort Myers, Florida; on or about March 17, 2011, three debit cards bearing card numbers of *5028, 5036 and *5010 were issued by BoA and mailed to ETH's address in Fort Myers, Florida (collectively, the "ETH Debit Cards").

48. On or about March 25, 2011, **EXUME** utilized one of the ETH Debit Cards in order to purchase eight postal money orders worth \$1,000 each and one postal money order worth \$400 at a Post Office in Dorchester, Massachusetts. This purchase resulted in an electronic transmission from Dorchester, Massachusetts to the USPS servers in Raleigh, North Carolina.

49. On or about March 26, 2011, **EXUME** utilized one of the ETH Debit Cards in order to purchase eight postal money orders worth \$1,000 each and one postal money order worth \$400 at a Post Office in Dorchester, Massachusetts. This purchase resulted in an

electronic transmission from Dorchester, Massachusetts to the USPS servers in Raleigh, North Carolina.

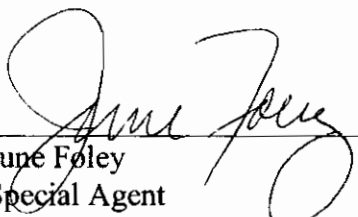
50. In order to complete the transactions described in the preceding two paragraphs, **EXUME** used a driver's license purporting to have been issued by the state of Florida. The driver's license bore E.G.'s name and **EXUME**'s picture.

51. On May 26, 2011, **EXUME** was arrested by Boston Police at a Post Office in Roxbury, Massachusetts attempting to cash a postal money order. At the time of his arrest, **EXUME** had on his person, among other things, the driver's license bearing E.G.'s name described above and the ETH Debit Card ending in *5016.


CONCLUSION

52. Based on the foregoing, I have probable cause to believe that **EXUME** devised and intended to devise a scheme and artifice to defraud, and obtained money and property by means of material false and fraudulent pretenses, representations, and promises and did cause writings, signs, signals, pictures and sounds to be transmitted by means of wire communication in interstate commerce for the purpose of executing such scheme and artifice in violation of Title 18, United States Code, Sections 1343 and 2.

I hereby certify that the foregoing is true and correct. Executed this 23rd day of January, 2012.


June Foley
Special Agent
United States Postal Inspector

SUBSCRIBED and SWORN to before me
this 23rd day of January, 2012.


Honorable Judith G. Dein
UNITED STATES CHIEF MAGISTRATE JUDGE